

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GURPREET SINGH,

Plaintiff,

v.

ELK GROVE POLICE DEPT., et al.,

Defendants.

No. 2:23-cv-0647 CKD P

ORDER

Plaintiff is a California detainee pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff requests leave to proceed in forma pauperis. As plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding month's income credited to plaintiff's prison trust account. These payments will be forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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1 The court is required to screen complaints brought by prisoners seeking relief against a
2 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
3 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally
4 “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek
5 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

6 The court has reviewed plaintiff’s complaint and finds that it fails to state a claim upon
7 which relief can be granted under federal law. Plaintiff’s complaint must be dismissed. The
8 court will, however, grant leave to file an amended complaint.

9 If plaintiff chooses to amend the complaint, plaintiff must demonstrate how the conditions
10 complained of have resulted in a deprivation of plaintiff’s constitutional rights and he must
11 identify the right(s) violated. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). Also, in his
12 amended complaint, plaintiff must allege in specific terms how each named defendant is
13 involved. There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link
14 or connection between a defendant’s actions and the claimed deprivation. Rizzo v. Goode, 423
15 U.S. 362 (1976). Furthermore, vague and conclusory allegations of official participation in civil
16 rights violations are not sufficient. Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982).

17 Plaintiff names the Elk Grove Police Department as a defendant. Municipalities cannot be
18 held vicariously liable under § 1983 for the actions of their employees. Monell v. Dep’t of Social
19 Services, 436 U.S. 585 at 691, 694 (1978). “Instead, it is when execution of a government’s
20 policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be
21 said to represent official policy, inflicts the injury that the government as an entity is responsible
22 under § 1983.” Id. at 694.

23 Finally, plaintiff is informed that the court cannot refer to a prior pleading in order to
24 make plaintiff’s amended complaint complete. Local Rule 220 requires that an amended
25 complaint be complete in itself without reference to any prior pleading. In any amended
26 complaint, each claim and the involvement of each defendant must be sufficiently alleged.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 7) is granted.

3 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
4 shall be collected and paid in accordance with this court's order to the Director of the California
5 Department of Mental Health filed concurrently herewith.

6 3. Plaintiff's complaint is dismissed.

7 4. Plaintiff is granted thirty days from the date of service of this order to file an amended
8 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
9 Procedure, and the Local Rules of Practice. The amended complaint must bear the docket
10 number assigned this case and must be labeled "Amended Complaint." Failure to file an
11 amended complaint in accordance with this order will result in a recommendation that this action
12 be dismissed.

13 Dated: August 23, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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